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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,306	05/13/2002	Dag Harald Sandvik	TPP 31444	7378

7590 07/07/2003  
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EXAMINER

LERNER, AVRAHAM H

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/089,306

Applicant(s)  
Dag Sandvik

Examiner  
Avraham Lerner

Art Unit  
3611



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3, 7 6) ☐ Other:

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The Information Disclosure Statements, filed May 13, 2002 and September 26, 2002, are acknowledged and have been considered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "the child's legs" in line 7. There is insufficient antecedent basis for this limitation in the claim, in that no child has been claimed.

5. Claim 1 recites the limitation "said end wall" in lines 7-8. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 3 recites the limitation "the traversal handle" in the last 2 lines. There is insufficient antecedent basis for this limitation in the claim.

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*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over De Stefano (U.S. Patent No. 5,651,557) in view of Hellstrom (U.S. Patent No. 4,819,988).

De Stefano discloses a device for a child seat in a shopper trolley, the child seat being suspended from one side wall which can preferably be swung into/up in the shopper trolley about an upper horizontal axis, when shopper trolleys are being stacked horizontally, and wherein the child seat is placed adjacent to openings (see Fig. 7) for a child's legs through the side/end wall, the openings being defined at the bottom and sides by elements of the side/end wall, and wherein the area of the openings has an over-lying safety element (e.g. 70) arranged thereto. However the safety element of De Stefano is not adjustable heightways or arranged to restrict the openings when lowered.

Hellstrom teaches that it is known to provide a child's seat having leg openings with a restraint device (48) that can be lowered to restrict the size of the openings, and thereby prevent a child from falling out of the seat.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the shopping cart child seat of De Stefano with the adjustable height restraint device of Hellstrom in order to improve the safety of the shopping cart for seating children. Such a modification to permit the shopping cart to have an adjustable restraint instead of one at a set height, would have allowed a parent to control the size of the leg openings through which their child's legs pass, preventing a child from standing up and potentially falling from the shopping cart, and therefore would have been obvious to one of ordinary skill.

9. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Stefano in view of Pokrzywinski (U.S. Patent No. 5,203,612).

De Stefano discloses a device for a child seat in a shopper trolley, the child seat being suspended from one side wall which can preferably be swung into/up in the shopper trolley about an upper horizontal axis, when shopper trolleys are being stacked horizontally, and wherein the child seat is placed adjacent to openings (see Fig. 7) for a child's legs through the side/end wall, the openings being defined at the bottom and sides by elements of the side/end wall, and wherein the area of the openings has an over-lying safety element (e.g. 70) arranged thereto. However the safety element of De Stefano is not adjustable heightways or arranged to restrict the openings when lowered.

Pokrzywinski teaches that it is known to provide a child's seat having leg openings with a restraint device (48) that can be lowered to restrict the size of the openings, and thereby prevent a child from falling out of the seat, the restraint device having a main middle body essentially

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transverse, which merges through downward concave intermediate portions into downward end portions.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the shopping cart child seat of De Stefano with the adjustable height restraint device of Pokrzywinski in order to improve the safety of the shopping cart for seating children. Such a modification to permit the shopping cart to have an adjustable restraint instead of one at a set height, would have allowed a parent to control the size of the leg openings through which their child's legs pass, preventing a child from standing up and potentially falling from the shopping cart, and therefore would have been obvious to one of ordinary skill.

#### ***Allowable Subject Matter***

10. Claims 3-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cook (U.S. Patent No. 1,259,604), Schweitzer (U.S. Patent No. 2,860,886), Pitts et al. (U.S. Patent No. 4,280,731), Wilkinson et al. (U.S. Patent No. 4,403,807), Ward (U.S. Patent

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No. 5,203,613, and Childers (U.S. Patent No. 5,547,250) disclose shopping cart child seats and/or leg restraint devices.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avraham Lerner whose telephone number is (703) 308-0423.

AVRAHAM LERNER  
PRIMARY EXAMINER

*A. Lerner 6/27/03*

June 27, 2003